

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

JACOB VAN METER, ADAM	)	
FLETCHER by and through his	)	
guardian GAIL FLETCHER, and	)	
ERIC REEVES, on behalf of	)	
themselves and other similarly	)	Civil Docket no. 1:09-cv-00633-NT
situated individuals	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BRENDA HARVEY,	)	
COMMISSIONER OF MAINE	)	
DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Defendant.	)	

**ORDER ON DISMISSAL**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the parties, by and through their respective counsel, have jointly moved this Court for an Order of Dismissal, without prejudice, of this action.

The Court determines that pursuant to Fed. R. Civ. P. 23(e), reasonable notice, with an opportunity to object, has been provided to members of the Plaintiff class. A fairness hearing having been held, with no objections having been filed or made, this Court, being otherwise sufficiently advised, finds that the Settlement Agreement entered into between the parties on August 25, 2011 is fair, reasonable and adequate.

Accordingly, this Court hereby **GRANTS** the Motion and **ORDERS** as follows:

1. The terms and conditions of the Settlement Agreement entered into between the parties on the 25th day of August, 2011 are incorporated herein by reference;
2. The Court shall retain jurisdiction as follows:
  - a. If the Defendant is able to implement the HCBW without establishing any ICFs-ORC, the Court shall retain jurisdiction solely for the purposes of mediation and enforcement of the terms of the settlement agreement for a term of three years from the date of this Order.
  - b. If the Defendant is unable to implement the HCBW without establishing any ICFs-ORC, the parties will mediate in an attempt to reach an agreement upon a reasonable extension of the retention of the Court's jurisdiction solely for purposes of mediation and enforcement of the terms of the Settlement Agreement.
    - i. If the parties reach agreement, the parties shall file a joint motion with the Court seeking the agreed-to extension of the retention of the Court's jurisdiction.
    - ii. If the parties cannot reach agreement after mediation, either party may seek an extension of time of this Court's jurisdiction

solely for the purposes of mediation and enforcement of the terms of the settlement agreement.

SO ORDERED.

/s/ Nancy Torresen  
United States District Judge

Dated this 8th day of May, 2012.

**Plaintiff**

**JACOB VAN METER**

represented by **JACK B. COMART**  
MAINE EQUAL JUSTICE  
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**Plaintiff**

**GAIL FLETCHER**  
*Guardian of Adam Fletcher*

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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**ERIC REEVES**

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**STACI K. CONVERSE**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**MAINE DEPARTMENT OF  
HEALTH AND HUMAN  
SERVICES COMMISSIONER**

represented by **JAMES E. FORTIN**  
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V.

**Notice Only Party**

**MAINE ATTORNEY GENERAL -  
NON PRISONER IFP CASES**  
*TERMINATED: 01/21/2010*

**Interested Party**

**SHARON MACIE**